

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35338 of 2025

Arising Out of PS. Case No.-161 Year-2024 Thana- MADHEPUR District- Madhubani

Ram Prakash Yadav Son of Late Swaroop Lal Yadav Resident of Village-
Goth Khutauna, P.S.- Khutauan, District- Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shailendra Kumar Jha

For the Opposite Party/s : Mr.Ahmad Ali

CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

3 02-07-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner is apprehending his arrest in a case registered for the offence punishable under Section 30(a) of the Bihar Prohibition and Excise Act.

3. Perusal of the first information report and the seizure list, would go to show that 50 liters of Nepali country made liquor was recovered from a motorcycle, bearing Registration No. BR32U9790.

4. It is submitted by learned counsel for the petitioner that there is no recovery from the physical and conscious possession of the petitioner. As a matter of fact, the name of the petitioner has surfaced in the present case on account of the fact that he is the owner of the seized motorcycle. It has been submitted that the said motorcycle had been stolen



earlier with regard to which an information was also given which is Annexure-P/2 of the present application but no case was registered on the same. It is further submitted that the mandatory provisions of search and seizure have been violated as there is no independent witness to the seizure list and the petitioner, who is an old man of 85 years, has no criminal antecedent.

5. Learned APP for the State opposes the prayer for anticipatory bail.

6. Taking into consideration the fact and circumstances of the case, let the above named petitioner in the event of his arrest or surrender before the learned Court below within a period of four weeks from today, be enlarged on bail on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Madhepur P.S. Case No. 161 of 2024, subject to the condition as laid down under Section 438 (2) of the Cr.P.C./482(2) of the B.N.S.S.

(Soni Shrivastava, J)

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